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The **WALT DISNEY** Company

Marsha J. MacBride
Vice President
Government Relations

September 8, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TWB204
Washington, D.C. 20054

Ex Parte Presentation in Docket No. 00-30

Dear Ms. Roman Salas:

Pursuant to Section 1.1206 of the Commission's rules, an original and one copy of this letter are being filed as notice that representatives of The Walt Disney Company (Disney) met on September 7, 2000, with David Goodfriend, Legal Advisor to Commissioner Ness, to discuss issues raised by the proposed merger of AOL and Time Warner. Representing Disney were Robert Lambert, Senior Vice President for New Technology and Development, Larry Sidman of Verner, Liipfert, Bernhard, McPherson & Hand, Chtd., counsel to Disney, and myself.

The parties discussed issues raised by Disney in its Comments and Reply Comments filed in this proceeding. Specifically, Disney addressed concerns regarding the ability of the combined AOL/Time Warner to favor its own content through routing and caching mechanisms. Disney expressed concern over the availability of equipment made to discriminate between types of content and how this can be used to favor, for example, some locally cached content over other local content. Disney reiterated its concerns that the combined entity would have both the ability and the incentives to discriminate against alternative content providers attempting to offer services such as interactive television, and the negative impact this would have on the development of such competitive services.

Sincerely,

Marsha J. MacBride

cc: David Goodfriend, Office of Commissioner Ness
James Bird, Office of General Counsel
Royce Dickens, Cable Services Bureau
Linda Senecal, Cable Services Bureau

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